

105TH CONGRESS  
2D SESSION

# H. R. 4180

To reduce fishing capacity in United States fisheries.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1998

Mr. SAXTON (for himself and Mr. DELAHUNT) introduced the following bill;  
which was referred to the Committee on Resources

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## A BILL

To reduce fishing capacity in United States fisheries.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “American Fisheries  
5       Act of 1998”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) The term “Subject Fishing Vessel” means  
9       any vessel that—

10               (A) commercially engages in the catching,  
11               taking, or harvesting of fish or any activity that  
12               can reasonably be expected to result in the

1 catching, taking, or harvesting of fish, or is  
2 used or equipped for, the processing of fish for  
3 commercial use or consumption;

4 (B) was not a “vessel of the United  
5 States” on September 25, 1997, as such term  
6 is defined in section 4 of this Act;

7 (C) was the subject of letter rulings stating  
8 that the vessel would satisfy both the grand-  
9 father provisions of section 4(a)(4) and section  
10 7 of Public Law 100–239; and

11 (D) was built in the United States and  
12 was—

13 (i) purchased, or contracted for pur-  
14 chase prior to July 28, 1987;

15 (ii) the subject of a contract for re-  
16 building entered into before July 12, 1988;

17 (iii) rebuilt in a foreign shipyard and  
18 redelivered to the owner prior to July 28,  
19 1990; and

20 (iv) not owned or controlled by the  
21 same entity during the occurrence of each  
22 of the events described in clauses (i)  
23 through (iii) of this subparagraph.

24 For purposes of subparagraph (D)(iv) an entity shall  
25 not be deemed to be the “same entity” if, prior to

1 July 28, 1990, the ownership of a corporation or  
2 partnership with title to or an ownership interest in  
3 a Subject Fishing Vessel was sold to different indi-  
4 viduals, corporations, or partnerships, or title to, or  
5 an ownership interest in, the Subject Fishing Vessel  
6 was sold to different individuals, corporations, or  
7 partnerships.

8 (2) The term “fishing history” means the  
9 record of prior fishing activity or performance of a  
10 fishing vessel that may be considered in relationship  
11 to any form of limited access or other fishery man-  
12 agement plan or plan amendment enacted pursuant  
13 to the Magnuson-Stevens Fishery Conservation and  
14 Management Act.

15 (3) The term “fishing privilege” means any au-  
16 thorization, consent, or other permission necessary  
17 for a fishing vessel to participate in any fishery of  
18 the United States.

19 (4) The term “Secretary” means the Secretary  
20 of Commerce or his designee.

21 **SEC. 3. PHASEOUT OF SUBJECT FISHING VESSELS.**

22 (a) Notwithstanding the Magnuson-Stevens Fishery  
23 Conservation and Management Act (16 U.S.C. 1801 et  
24 seq.) or any other provision of law, except as provided in  
25 subsection (b), all fishery licenses, permits, or other fish-

1 ing privileges of Subject Fishing Vessels that have the ef-  
2 fect of allowing the operation of such vessels in the fish-  
3 eries of the United States, and any fishing history of such  
4 vessels, are hereby revoked.

5 (b) Notwithstanding subsection (a), any fishery li-  
6 cense, permit, or other fishing privilege of a Subject Fish-  
7 ing Vessel that has the effect of allowing the operation  
8 of such a vessel in the Bering Sea pollock fishery and the  
9 Pacific whiting fishery—

10 (1) shall remain in effect until December 31,  
11 2001; and

12 (2) shall not be transferred or reissued to an-  
13 other individual, corporation, partnership, associa-  
14 tion, trust, joint venture, or other entity for use in  
15 conjunction with any other fishing or fish processing  
16 vessel including another Subject Fishing Vessel.

17 (c) All fishery licenses, permits, and other fishing  
18 privileges of Subject Fishing Vessels that have the effect  
19 of allowing such vessels to operate in any fishery of the  
20 United States, and all fishing history of such vessels shall  
21 be permanently revoked on December 31, 2001, and no  
22 new licenses, permits, or other fishing privileges may be  
23 issued that would have the effect of allowing Subject Fish-  
24 ing Vessels to operate in any fishery of the United States  
25 on or after December 31, 2001.

1 **SEC. 4. FISHING VESSEL QUALIFICATIONS.**

2 (a) For the purposes of this Act, a “vessel of the  
3 United States” as defined by section 3(43)(A) of the Mag-  
4 nuson-Stevens Fishery Conservation and Management Act  
5 (16 U.S.C. 1802(43)(A)), shall be a vessel that is docu-  
6 mented under the laws of the United States and is owned  
7 by a corporation, partnership, association, trust, joint ven-  
8 ture, or other entity in which at least a 75 percent control-  
9 ling interest in such entity, in the aggregate, is owned by  
10 citizens of the United States.

11 (b) All fishing vessels, other than Subject Fishing  
12 Vessels, shall have 18 months from the date of enactment  
13 of this Act to comply with subsection (a). Upon the expira-  
14 tion of such 18-month period, any fishing privileges, and  
15 fishing history, related to the operation in a fishery of the  
16 United States of any vessel that is not in compliance with  
17 subsection (a) shall be immediately revoked.

18 **SEC. 5. MORATORIUM ON LARGE FISHING VESSELS.**

19 (a) IN GENERAL.—Notwithstanding any provision of  
20 the Magnuson-Stevens Fishery Conservation and Manage-  
21 ment Act (16 U.S.C. 1801 et seq.), no large fishing vessel  
22 may engage in the harvesting of any fish in the United  
23 States exclusive economic zone until such time after the  
24 date of enactment of this Act as a fishery management  
25 plan, developed by the Secretary, a regional fishery man-  
26 agement council, or an interstate marine fishery manage-

1 ment commission, as appropriate, that specifically author-  
2 izes large fishing vessels to engage in the harvesting of  
3 fish in the exclusive economic zone of the United States,  
4 has been approved and implemented.

5 (b) LARGE FISHING VESSEL DEFINED.—In this sec-  
6 tion, the term “large fishing vessel” means a fishing vessel  
7 of the United States (as that term is defined in section  
8 3 of the Magnuson-Stevens Fishery Conservation and  
9 Management Act (16 U.S.C. 1802)) that is equal to or  
10 greater than 165 feet in length overall, of more than 750  
11 gross registered tons, or that has engines capable of pro-  
12 ducing a total of more than 3,000 shaft horsepower.

13 (c) SAVINGS CLAUSE.—This section shall not apply  
14 to any large fishing vessel which has fished in a fishery  
15 or fisheries of the United States prior to the date of intro-  
16 duction of this Act, and which was endorsed with a fishery  
17 endorsement that was effective on September 25, 1997,  
18 and has not been surrendered at any time thereafter, un-  
19 less the Secretary approves and implements fishery man-  
20 agement plans or amendments to such plans which specifi-  
21 cally exclude such vessels from a fishery or fisheries.

22 (d) REPLACEMENT OF LOST FISHING VESSELS.—  
23 Notwithstanding subsection (a) of this section, the owner  
24 of an existing large fishing vessel that had a valid fishery  
25 license, permit, or other fishing privilege on September 25,

1 1997, may obtain a fishery license, permit, or other fishing  
2 privilege for a replacement vessel in the event of the actual  
3 total loss or constructive total loss after September 25,  
4 1997, of such existing vessel, if—

5 (1) such loss was caused by an act of God, an  
6 act of war, a collision, an act or omission of a party  
7 other than the owner or agent of the vessel, or any  
8 other event not caused by the willful misconduct of  
9 the owner or agent;

10 (2) the existing vessel actively harvested fishery  
11 resources in the exclusive economic zone of the  
12 United States during the year prior to such loss;

13 (3) the replacement vessel is of the same or  
14 lesser registered length, gross registered tons, and  
15 shaft horsepower than the existing vessel;

16 (4) the fishery license, permit, or other fishing  
17 privilege for the new vessel is issued within 24  
18 months of the loss of the existing vessel; and

19 (5) the replacement vessel otherwise qualifies  
20 under laws of the United States for a fishery license,  
21 permit, or other fishing privilege.

22 (e) FISHING VESSELS OPERATING IN FISHERIES  
23 OUTSIDE THE EXCLUSIVE ECONOMIC ZONE.—This sec-  
24 tion shall not apply to a fishing vessel engaged exclusively  
25 in a fishery in which the fishing is conducted primarily

1 outside of the boundaries of the exclusive economic zone  
2 of the United States as that zone is defined in section 3  
3 of the Magnuson-Stevens Fishery Conservation and Man-  
4 agement Act (16 U.S.C. 1802).

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